

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAY FOLSE

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00488

WEST VIRGINIA UNIVERSITY, et al.,

Defendants.

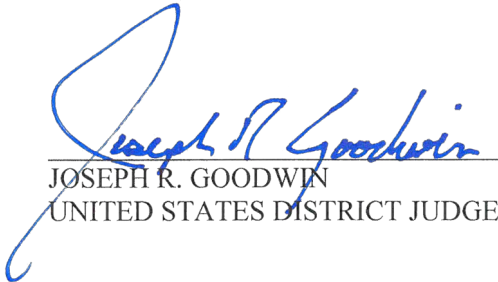
MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 27, 2019, Magistrate Judge Tinsley submitted the Proposed Findings of Fact and Recommendation [ECF No. 12] (“PF&R”), recommending the court grant in part defendants’ Motion to Dismiss as to plaintiff’s 42 U.S.C. § 1983 claims [ECF No. 6]; and that the court dismiss without prejudice plaintiff’s state-law claims pursuant to 28 U.S.C. § 1367(c). On October 18, 2019, this court **ADOPTED** and **INCORPORATED** PF&R [ECF No. 13] — **GRANTING IN PART** the Motion to Dismiss as to plaintiff’s 42 U.S.C. § 1983 claims [ECF No. 6] and **DISMISSING WITHOUT PREJUDICE** plaintiff’s state-law claims pursuant to 28 U.S.C. § 1367(c).

On October 18, 2019, the plaintiff filed objections to the PF&R [ECF No. 14]. These objections were untimely. The deadline for filing objections was October 15, 2019. *See* L.R. Civ. P. 7.1(a)(7); Fed. R. Civ. P. 6(a)(1). The plaintiff’s objections are postage stamped and dated

October 16, 2019 [ECF No. 14-1]. Therefore, the court does not consider the objections. However, even if the court were to consider the plaintiff's objections, they are without merit. The plaintiff's next procedural step for relief is to appeal this decision to the Fourth Circuit Court of Appeals in a timely manner. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 25, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE